

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates to:

Case Nos.:

17-cv-02524 (*Koors v. 3M Co., et al.*)
17-cv-03014 (*Jenkins v. 3M Co., et al.*)
17-cv-03022 (*Hoyos v. 3M Co., et al.*)
17-cv-03305 (*Brainerd v. 3M Co., et al.*)
17-cv-03464 (*Witt v. 3M Co., et al.*)
17-cv-03616 (*Hoerbert v. 3M Co., et al.*)
17-cv-03899 (*Pimentel v. 3M Co., et al.*)
17-cv-04041 (*Gibson v. 3M Co., et al.*)
17-cv-04169 (*Hurley v. 3M Co., et al.*)
17-cv-04285 (*Nickell v. 3M Co., et al.*)
17-cv-04467 (*Adams v. 3M Co., et al.*)
17-cv-04476 (*Holstine v. 3M Co., et al.*)
17-cv-04872 (*Grimsley v. 3M Co., et al.*)
17-cv-05323 (*Richey v. 3M Co., et al.*)
17-cv-05581 (*Berzsenyi v. 3M Co., et al.*)
17-cv-05589 (*Bardwell v. 3M Co., et al.*)
18-cv-00078 (*Gottfried v. 3M Co., et al.*)
18-cv-00080 (*Harris v. 3M Co., et al.*)
18-cv-00154 (*Coleman v. 3M Co., et al.*)
18-cv-00184 (*Proffit v. 3M Co., et al.*)
18-cv-00207 (*Guenther v. 3M Co., et al.*)
18-cv-00257 (*Patrick v. 3M Co., et al.*)
18-cv-00263 (*Robinson v. 3M Co., et al.*)
18-cv-00275 (*Owens v. 3M Co., et al.*)

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO COMPLY
WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare Inc. (collectively, "Defendants")

respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:17-cv-02524-JNE-FLN	Koors	Kennedy Hodges, L.L.P.
0:17-cv-03014-JNE-FLN	Jenkins	Kennedy Hodges, L.L.P.
0:17-cv-03022-JNE-FLN	Hoyos	Brown & Crouppen, P.C.
0:17-cv-03305-JNE-FLN	Brainerd	Brown & Crouppen, P.C.
0:17-cv-03464-JNE-FLN	Witt	Kennedy Hodges, L.L.P.
0:17-cv-03616-JNE-FLN	Hoerbert	Johnson Becker, PLLC
0:17-cv-03899-JNE-FLN	Pimentel	The Olinde Firm, LLC
0:17-cv-04041-JNE-FLN	Gibson	Brown & Crouppen, P.C.
0:17-cv-04169-JNE-FLN	Hurley	The Olinde Firm, LLC
0:17-cv-04285-JNE-FLN	Nickell	Gustafson Gluek PLLC
0:17-cv-04467-JNE-FLN	Adams	Gustafson Gluek PLLC
0:17-cv-04476-JNE-FLN	Holstine	Bernstein Liebhard LLP
0:17-cv-04872-JNE-FLN	Grimsley	Bernstein Liebhard LLP
0:17-cv-05323-JNE-FLN	Richey	Kennedy Hodges, L.L.P.
0:17-cv-05581-JNE-FLN	Berzsenyi	Law Offices of Charles H. Johnson, P.A.
0:17-cv-05589-JNE-FLN	Bardwell	Law Offices of Charles H. Johnson, P.A.
0:18-cv-00078-JNE-FLN	Gottfried	Davis & Crump, P.C.
0:18-cv-00080-JNE-FLN	Harris	Davis & Crump, P.C.
0:18-cv-00154-JNE-FLN	Coleman	Davis & Crump, P.C.
0:18-cv-00184-JNE-FLN	Proffit	Davis & Crump, P.C.
0:18-cv-00207-JNE-FLN	Guenther	Bernstein Liebhard LLP
0:18-cv-00257-JNE-FLN	Patrick	The Law Offices of Travis R. Walker, P.A.
0:18-cv-00263-JNE-FLN	Robinson	The Law Offices of Travis R. Walker, P.A.

0:17-cv-00275-JNE-FLN	Owens	Bernstein Liebhard LLP
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As set forth in Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet ("PFS") compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants' first and/or second deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants' third deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: July 3, 2018

Respectfully submitted,

s/Benjamin W. Hulse

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